

COUNCIL ON MENTALLY ILL OFFENDERS

<http://www.cdcr.ca.gov/comio/index.html>

MINUTES

September 11, 2008

This meeting was held at the Office of COMIO Member James W. Sweeney in the Regis Building, 1100 11th Street, Suite 360, Sacramento, California.

In Attendance:

Council Members

Matt Cate, Undersecretary, CDCR (Chairperson)
Dave Lehman, Chief Probation Officer (Retired), Humboldt County
Wendy Lindley, Judge, Orange County Superior Court
Duane E. McWaine, M.D., Medical Director, DHCMHC, Los Angeles
David Meyer, J.D., USC Institute of Psychiatry, Law, and Behavioral Science
Jo Robinson, M.F.T., Assistant Director, San Francisco Jail Psychiatric Services
James W. Sweeney, J.D., Principal, James W. Sweeney & Associates

Support Staff

Allan Lammers, Executive Officer
Bruce Slavin, Chief of Legal policy - CDCR

Interested Parties

Stephen Manley, Judge, Santa Clara Superior Court
Jim Rostran, DMH
Chris Geiger, Consultant
Kate Bell, Liberty Health Care, Lobbyist
Joseph Partansky, PVCD Advocate
Karen Moen, Sr. Court Services Analyst, Collaborative Justice Project, Administrative Office of the Courts
Erica Barrow, Contra County Mental Health
Jim Kenshalo, Contra Costa County, CSW
Aaron Carruthers, CDCR
Goldie Parino, SSMI, CDCR
Sherry Cook, SSMI, CDCR
Robert Storms, SSMI, CDCR/DAPO
Molly Willenbring, Executive Director, FMHAC

Absent: Joel Fay, PsyD, Officer, San Rafael Police Department, Stephen W. Mayberg, Director, Department of Mental Health (Vice-Chairperson) and Charles L. Walters, Ph.D., Assistant Sheriff, Orange County Sheriff were absent.

AGENDA ITEM 1 - Opening Comments/Previous Meeting Minutes

Chairperson Cate called the meeting to order at 11:06 A.M., roll was taken, and a quorum was present. Guests were welcomed and introductions were made.

James Sweeney moved and David Meyer seconded a motion to accept the minutes of the previous meeting held on July 24, 2008. The motion passed.

AGENDA ITEM 2 – Updates and Discussion Regarding Legislation and Propositions on Ballot

Chairperson Cate distributed a new CDCR publication *Prison Reforms: Achieving Results*. The publication notes progress made by CDCR in implementing thirteen benchmarks related to AB900. Chairperson Cate said that he will address the integrated strategies for reducing populations (Benchmarks 1-4) at the next COMIO meeting. These are scheduled for completion this December. Benchmark 5, creating drug treatment slots, has been completed. Benchmark 6, implementing an inmate assessment process, is scheduled for completion in December. More than 19,000 assessments have been made at this time (120,000 inmates enter and leave the system annually). The development of an Inmate Treatment and Prison-to-Employment Plan scheduled for completion this past April (Benchmark 7) will be addressed at the next COMIO meeting. Benchmark 8, addressing day treatment or crisis care services, has been modified by offering cash assistance rather than working with county mental health agencies. Benchmarks 9 – 12A and 13 have been completed. Benchmark 11 proposes a 10% increase (as compared to April 2007) in full-time participation in inmate academic and

vocational programs. It is scheduled for completion in December. Benchmark 12B, to reduce the vacancy rate of rehabilitation and treatment positions in prisons and parole offices, has not yet been achieved.

Chairperson Cate also reported that ten institutions are now providing pre-release SSI services with another 23 facilities as well as seven juvenile institutions coming on-line in January 2009.

A discussion of the difficulties of transitional housing for the mentally ill was discussed by Judge Manley and Robert Storms. It was noted that, due to Jessica's law, locating housing has become even more difficult. Judge Manley suggested that maybe one possibility is to lease housing in industrial areas.

Jim Rostran (DMH), manager of the conditional release programs, mentioned that there are now about twenty contracts with various county Mental Health agencies. The programs are locally driven. Participants agree to the conditional release program for the balance of their parole. He noted that most Mental Health services are paid for by private sources and that providers are anxious to work with these funding sources. Dave Meyer added that conditional release models really work with local mental health providers. For future discussion, he challenged the group to determine how COMIO should address the lack of county commitment to these concepts, as large numbers of qualified psychiatric professionals leave local agencies and move to state positions.

AGENDA ITEM 3 – Discussion of the Nonviolent Offender Rehabilitation Act of 2008 (NORA)

Many members expressed great concern about the ramifications from the passage of Proposition 5. Judge Manley observed that advocates of Prop. 5 cite the success of Prop. 36, which he explained is not the case. Under Prop. 36 there has been a 77% failure to complete rate ("doing nothing" resulted in a 2% more successful rate than under Prop. 36). A variety of negatives were mentioned including the lack of accountability, permissiveness of using street drugs for mentally ill, emasculation of Mental Health Courts (funds cannot be used for drug testing), and lack of statistical support for what is a costly and dangerous social experiment. Written into the proposition is a requirement that the only way this can be repealed is with an 80% vote. It was noted that several organizations have indicated they're against Prop. 5 including the Sheriffs, CSAC, MADD, Board of LA Supervisors, and the Governor.

AGENDA ITEM 4 – Competency to Stand Trial Checklist

Council member Meyer mentioned that although he reported at our last meeting that the implementation process for this checklist would be fielded through the AOC, working with the legislature is still a possibility.

AGENDA ITEM 5 – Facilities Needs Survey

At the CSA's May Board meeting, it was agreed to study the intake and release process followed in jails and juvenile halls, review medication follow-through and determine space and programming allocations for mentally ill offenders. A contract was in the process of being drawn up, however due to the delay in the budget approval process, the project has been put on hold until the approved budget funds are released.

AGENDA ITEM 6 – Update on COMIO Website Enhancement

This item was tabled until the next meeting.

AGENDA ITEM 7 – OLD BUSINESS

- **Words To Deeds:** Dave Meyer reported on the recent very exciting July conference in Sacramento. There were over 80 attendees representing a

tremendous diversity of disciplines and locations from throughout the state. A formal report is being prepared and will be released next year.

- **2009 "Best Practices"**: Allan Lammers reported that announcements have gone out to Sheriffs, Probation, CSAC, AOC, and through our partner, the Forensic Mental Health Association. Applications are due near the end of November.
- **Mental Health Evaluation Tool**: Jo Robinson reported that the first meeting of a volunteer group to design the tool is scheduled for San Francisco in October.

AGENDA ITEM 8 – NEW BUSINESS

- **2008 COMIO Annual Report**: A draft will be prepared for review and discussion at the next meeting.
- **2009 COMIO Meeting Schedule**: Council Members were asked to submit suggestions before the next meeting for any changes to the standard meeting schedule of the third Thursday of every other month beginning in January 2009.

ADJOURNMENT

A motion was made by Dr. Duane McWaine and seconded by James Sweeney to adjourn the meeting. The motion passed and the meeting was adjourned at 1:09 P.M.

The next COMIO meeting will be hosted by Judge Wendy Lindley at the new Orange County Community Court Thursday November 20, 2008 at 11 A.M. The schedule will provide an opportunity to observe a drug court before the meeting and a mental health court after the meeting.

MINUTES RECORDED AND SUBMITTED BY:

Allan Lammers,
Executive Officer, COMIO